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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
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Case No.: 08cr4406

**ORDER RE: SUPPLEMENTAL  
BRIEFING**

15 ALBERTO VIOLANTE,  
16 Defendant.  
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18 Before the Court is Defendant's motion to vacate, set aside, or correct  
19 sentence pursuant to 28 U.S.C. § 2255. Defendant's motion challenges the  
20 legality of his conviction and sentence for violating 18 U.S.C. § 924(c)(1)(A)(ii).

21 On June 9, 2017, the Court entered an order staying consideration of  
22 Defendant's petition pending the Supreme Court's issuance of an opinion in  
23 Sessions v. Dimaya, No. 15-1498. (ECF No. 329.) On June 26, 2017, the  
24 Supreme Court restored Dimaya to the calendar for reargument. Since the oral  
25 argument calendar resumes in October 2017, placing Dimaya on the calendar for  
26 reargument means no decision will be issued until the Supreme Court's next term,  
27 which ends in June 2018.

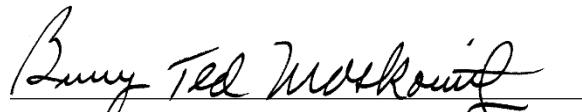
28 The Court's stay order was based, in part, on the assumption that the

1 Supreme Court would be issuing a decision in Dimaya by the end of June 2017,  
2 such that the ensuing stay would be brief. The Court is considering vacating the  
3 stay and reaching the merits of Defendant's § 2255 motion.

4 Therefore, the parties are advised that they may submit supplemental briefs  
5 addressing their positions on the stay order and/or the merits of Defendant's  
6 motion. Any such supplemental briefs must be filed no later than **July 10, 2017**.  
7 The Court will thereafter issue a decision regarding continued imposition of the  
8 stay, and, if appropriate, the merits of Defendant's § 2255 petition.

9 IT IS SO ORDERED:

10 Dated: June 30, 2017

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12 Barry Ted Moskowitz, Chief Judge  
13 United States District Court  
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